



# Department of Justice

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### WEEK IN REVIEW – SOUTH BEND

South Bend, Indiana- The United States Attorney's Office announced:

#### PLEAS:

- Carlos Flores, 45, of Bell, California, pled guilty before Magistrate Judge Christopher Nuechterlein to the felony offense of re-entry of a deported alien. Sentencing has been set for 2/2/12. These charges were filed as the result of an investigation by U.S. Immigration and Custom Office of Homeland Security Investigations and the Indiana State Police. This case is being prosecuted by Assistant United States Attorney John Maciejczyk.
- Justin E. Kemble, 28, of South Bend, Indiana, pled guilty before Judge Robert Miller, Jr. to the felony offenses of possession of a firearm with an altered serial number, threat of retaliation against a witness, and communication of a threat transmitted in interstate commerce. Sentencing has been set for 2/9/11. These charges were filed as the result of an investigation by the Bureau of Alcohol, Tobacco, Firearms, and Explosives. This case is being prosecuted by Assistant United States Attorney Donald Schmid.
- Kenneth E. Wainscott, 57, of Plymouth, Indiana, pled guilty before Judge Christopher N. Nuechterlein to the felony offense of structuring transactions to evade reporting requirements. Sentencing has been set for 2/23/12. These charges were filed as a result of an investigation by the Internal Revenue Service. This case is being prosecuted by Assistant United States Attorney Donald Schmid.
- Alan Roberts, 30, of Hazel Crest, Illinois, pled guilty before Christopher N. Nuechterlein to the felony offense of possession with the intent to distribute crack cocaine. Sentencing has been set for 2/15/11. These charges were filed as a result of an investigation by the Drug Enforcement Administration. This case is being prosecuted by Assistant United States Attorney Frank Schaffer.

The specific sentence in each case to be imposed upon conviction will be determined by the judge after a consideration of federal sentencing statutes and the Federal Sentencing Guidelines.

#### DISPOSITIONS:

- Gary Finley, 43, of Elkhart, Indiana, was sentenced by Judge Jon DeGuilio to 3 years of probation, 6 months of home detention, and \$11,820 in restitution after pleading guilty to the felony offense of theft of government funds from the Social Security Administration. This case was the result of an investigation by the Social Security Administration. This case was prosecuted by Assistant United States Attorney John Maciejczyk.
- Estevan Portio-Alvarado, 28, of Logansport, Indiana, was sentenced by Judge Robert L. Miller to 24 months imprisonment after pleading guilty to the felony offense of reentry of a deported alien. This case was the result of an investigation by the U.S. Immigration and Custom Office of Homeland Security Investigations. This case was prosecuted by Assistant United States Attorney Frank Schaffer.
- Jack E. Smith, Jr., 39, of Bourbon, Indiana, was sentenced by Judge Robert L. Miller to 151 months of imprisonment and lifetime supervised release after pleading guilty to the felony offense of distribution of child pornography.

The investigation into Smith's conduct began in January 2010 when a Federal Bureau of Investigation (FBI) agent working in an undercover capacity used a publicly available peer-to-peer file sharing program to download from a user multiple video files depicting children engaged in sexually explicit conduct. The results of an administrative subpoena issued to the internet service provider of the user identified the subscriber as Jack Smith. A review of a National Crime and Information Center report revealed that Smith was a currently registered sex offender as a result of a 1993 conviction for child molesting in Hancock County, and a separate 1998 conviction for child molestation in Howard County. A subsequent forensic examination of Smith's computer recovered pursuant to a search warrant showed that it contained several thousand images of child pornography.

This case was the result of an investigation by the Federal Bureau of Investigation. This case was prosecuted by Assistant United States Attorney John Maciejczyk.

- Thomas F. Lewis, 49, of South Bend, Indiana, was sentenced by Judge Robert L. Miller to 42 months of imprisonment, 3 years of supervised release, and \$1,524,212.50 in restitution after pleading guilty to the felony offense of wire fraud. Lewis admitted in his plea agreement that he aided Byron Canada and his associates in making numerous misrepresentations and false promises to provide loans and financing for commercial, real estate, construction and other projects in exchange for upfront or advance fees for these loans. No loans or any kind of actual financing were ever provided. This case was the result of an investigation by the Internal Revenue Service and the Federal Bureau of Investigation. This case was prosecuted by Assistant United States Attorney Donald Schmid.